

CR15-707-PHX-SRB S.A.ROBERT MESHINSKY-PT#2 2-26-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America, )  
 )  
 Plaintiff, )  
 ) CR15-00707-PHX-SRB  
 vs. ) Phoenix, Arizona  
 ) February 26, 2016  
 Abdul Malik Abdul Kareem, )  
 )  
 Defendant. )  
 )  
 )

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE  
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL - DAY #8  
TESTIMONY: S.A. ROBERT J. MESHINSKY - PART 2

APPEARANCES:

For the Government:

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E X C E R P T O F P R O C E E D I N G S

THE COURT: The government may call its next witness.

MR. KOEHLER: The government recalls Robert Meshinsky.

THE COURT: Sir, you may take the stand.

You may proceed, Mr. Koehler.

MR. KOEHLER: Agent Meshinsky, you remain under oath.

**SPECIAL AGENT ROBERT MESHINSKY, WITNESS, SWORN**

**DIRECT EXAMINATION**

BY MR. KOEHLER:

Q I want to talk to you about some of the other devices in the case that you processed. We talked last week about the thumb drive. Do you recall that?

A Correct.

Q Can you tell members of the jury the other devices that you uploaded in this case.

A There were several computers. There were thumb drives. There was SD cards from cell phones. There were cell phones as well.

Q All right. And are you able to describe them more specifically in terms of a device number and the type of device it was?

A I could -- we -- the convention that we use is we assign "Q" numbers to it. "Q" is questionable item. "PX" meaning Phoenix. And then we assign a number to it.

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1 In the case we started with QPX\_100 because we were  
2 taking items from the house as well as from the truck. And  
3 the QPX\_100 was a laptop and QPX 100\_1 was the hard drive that  
4 was within the laptop. There were several other items. I  
5 can't recall them all.

6 Q Was one of them known as QPX\_9?

7 A Yes.

8 Q And what item was that specifically?

9 A I believe QPX\_9 was a phone.

10 Q Was it a LG 440 phone?

11 A Yes.

12 Q And did you export items from that particular device?

13 A Yes.

14 Q I want to direct your attention first to Exhibit No. 348  
15 on the document camera. Do you recognize that?

16 A Yes. That would be a picture we took.

17 Q Okay. And did you take this picture with the ZRT tool?

18 A I did.

19 Q Can you remind us again what that was?

20 A Zippy recording tool.

21 Q And how do you use that tool, again?

22 A We have the phone in airplane mode as you can see so it  
23 cannot receive or transmit data.

24 We scroll through to, in this case, text messages and  
25 we take it with a digital camera, take a picture.

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1 Q And is Exhibit 348 a true and accurate copy of one such  
2 set of text messages from the LG 440 phone?

3 A It is.

4 MR. KOEHLER: Move to admit 348.

5 MS. PLOMIN: No objection.

6 THE COURT: 348 is admitted.

7 (Exhibit No. 348 admitted in evidence.)

8 BY MR. KOEHLER:

9 Q Can you please read the text message there.

10 A I hope I don't -- Yes.

11 "Insha Allah we will get daren and use the money to  
12 fund operts here...no sham...they check passport, et cetera.  
13 We went to Deer Valley and found out yest they dnt check."

14 Don't.

15 Q And continue from where that ends.

16 A "And found out" -- abbreviation for yesterday -- "they  
17 don't check passports for national travel. I feel at ease  
18 about this decision. We will look into getting silencers  
19 today for daren."

20 Q And now on to 349.

21 Is this also an export of text messages from that  
22 same LG 440 phone?

23 A Yes, it is.

24 MR. KOEHLER: Move to admit 349.

25 MS. PLOMIN: No objection.

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1 THE COURT: 349 is admitted.

2 (Exhibit No. 349 admitted in evidence.)

3 BY MR. KOEHLER:

4 Q Can you start with page one and read the texts from that.

5 A "I'm serious...we will need another postponement...I will  
6 explain...this situation will affect people, a bro in  
7 particular as if he is in -- he is not telling me not to go  
8 shopping."

9 Q Go on.

10 A "But he just needs a door to open up first...if not,  
11 things can become super difficult on him. He doesn't mind the  
12 backlash that will come but he wants to put some."

13 Q Go on to page 3 and go to the line below.

14 "Wants to put some."

15 A "Wants to put some eggs in his basket. He asked me to  
16 postpone. He is trustworthy too. Just spoke with  
17 him...second reason is security...two people were told but  
18 they won't be..."

19 Q Just the last line.

20 A -- "but they won't be in."

21 Q And now moving on to 350, is this another export of text  
22 from the ZRT phone?

23 A From the LG phone, correct.

24 Q I'm sorry. From the ZRT of the LG phone?

25 A Correct.

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1 Q Now, this looks different. Can you explain what this is  
2 just in general terms?

3 A This is a picture of a picture that was on the phone.

4 Q So in other words, you had the phone open with a ZRT and  
5 took a photograph of it. And what you're showing on the  
6 screen of the phone that you're taking a photograph is a  
7 photograph of another phone?

8 A Correct.

9 Q Okay. And are you able to read the text on that if I zoom  
10 in a little bit?

11 A If you zoom in.

12 THE COURT: But only if you offer it first.

13 BY MR. KOEHLER:

14 Q Is that a true and correct copy of what came out of the LG  
15 440 phone?

16 A Yes.

17 MR. KOEHLER: Move to admit 350.

18 MS. PLOMIN: No objection.

19 THE COURT: 350 is admitted.

20 (Exhibit No. 350 admitted in evidence.)

21 THE COURT: So do I understand correctly that what  
22 you -- this is somebody took a photograph of a text message on  
23 somebody else's phone?

24 THE WITNESS: Correct. This picture was on the phone  
25 that I took a picture of.

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1 I can try to read this. Where do you want me to  
2 start?

3 BY MR. KOEHLER:

4 Q Go ahead and read the line about "but when you get a  
5 flight."

6 A "But when you get a flight from Bulgaria you get a flight  
7 to" --

8 I can't read that part. And then it looks like  
9 G-O-H-G-E-N Airport. Not the -- and I can't read the next  
10 letter -- name -- or word, excuse me.

11 Q Okay. Let's go to the next one. Go ahead.

12 A "You're not one way. You have a trip both ways to IST and  
13 back to Bulgaria."

14 Q Go ahead.

15 A "Okay. Find out in which city or" -- I can't read that --  
16 "he is in and I will call him to ask about me."

17 Q Does it say: "Will I tell him who to ask about me"?

18 A Yes. That is a "who."

19 Q And last page.

20 A "Find someone you know in D."

21 Can't read what's after that. I can't read the next  
22 word.

23 "...them to me and I will tell them who to ask."

24 Can't read the next.

25 Q Is that a little smiley face?

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1 A There's a little smiley face at the end, yes.

2 Q Exhibit 486 and 487.

3 I'm now going to show you what's been marked for  
4 identification as Exhibit 486. Do you recognize that, Agent  
5 Meshinsky?

6 A It's a picture taken from one of the computers.

7 Q And is that a true and accurate copy of the picture that  
8 was taken?

9 A Yes.

10 Q And do you recall which computer this came off of?

11 A I do not recall the computer.

12 Q But are you certain it came off of one of the computers?

13 A Yes.

14 MR. KOEHLER: Move to admit 486.

15 MS. PLOMIN: Objection as to foundation as to which  
16 computer.

17 THE COURT: Sustained.

18 BY MR. KOEHLER:

19 Q Can I show the Agent page 2 of the exhibit?

20 What are you looking at there, Agent Meshinsky?

21 A That's the metadata from the picture.

22 Q Does the metadata help refresh your recollection where  
23 that came from?

24 A Well, it was taken with a Sony camera. I would have to  
25 believe it was one of the laptops that were in the location we



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1 described as QPX 100\_1.

2 Q I'm going to withdraw those two at this time.

3 Now, the last thing, did you also export data from  
4 the Acer Aspire that was taken from Mr. Abdul Malik Abdul  
5 Kareem's house?

6 A Yes.

7 Q And as part of that, did you analyze the data and export  
8 items from that.

9 A Exported items, correct.

10 Q Is one of the items you exported a system log?

11 A Yes.

12 Q I would like to draw your attention now to Exhibit 481.  
13 Do you recognize that?

14 A Yes.

15 Q What is that?

16 A Those are items that were in the activity log which is  
17 stored on your computer. Every time you plug something into  
18 it, an event is registered in your computer. So this would be  
19 the event log and this here are --

20 Q I don't want you to go further yet.

21 A Okay.

22 Q Is this a true and accurate copy of the event log from the  
23 Acer Aspire computer taken from Mr. Abdul Kareem's home?

24 A Yes.

25 MR. KOEHLER: Move to admit 481.

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1 MS. PLOMIN: No objection.

2 THE COURT: 481 is admitted.

3 (Exhibit No. 481 admitted in evidence.)

4 BY MR. KOEHLER:

5 Q Can you describe the types of events that are being logged  
6 in this particular event log?

7 A This particular event log shows tethering between the  
8 computer and the phone. The phone is the Gravity 5.5  
9 accessing the Internet.

10 Q Was there a Gravity 5.5 phone that was seized in this  
11 case?

12 A There was.

13 Q And do you recall whose phone that was?

14 A I don't recall the user's name, no.

15 Q Okay. And can you tell us what lines in this correlate to  
16 a log-on and a log-off from the Gravity phone?

17 A If you look on TimeCreated(System Time) 2015 is the year.  
18 01. January. 22. And you have your time of 1622, so it  
19 would be 4:22. Then your log-off time, it doesn't show there.

20 Q Okay. So what is it -- what's the code that says that  
21 there's a connection or a log-on time? Where is that shown on  
22 this particular record here, can you tell?

23 A "TimeCreated." That's when the event took place.

24 Q Okay. And then is there something specific that means  
25 that it's coming on versus turning off?

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1 A No.

2 Q Okay. Let's go to the next?

3 A So that would be a different day. That is January 23rd,  
4 2015.

5 Q Then going to the next page, do you see more log-ins?

6 A Yes. I'm sorry. February 8, 2015.

7 Q Are these all to that Gravity 5.5 phone?

8 A That is correct.

9 Q And do the records throughout this document reflect  
10 log-ins and log-outs from the Gravity 5.5?

11 A Correct.

12 Q Can you explain to members of the jury what tethering is.

13 A Tethering allows you to use your cell phone as a hot spot.  
14 And you can connect your laptop or even your desktop. You can  
15 do it remotely over the WiFi. You can connect using your USB  
16 or your phone cable. And so you use that as a hot spot.

17 Q So if somebody uses a cell phone as a hot spot, do they  
18 need a cable modem or a router in their home?

19 A They do not.

20 MR. KOEHLER: No further questions.

21 THE COURT: Ms. Plomin, do you have any questions for  
22 Agent Meshinsky?

23 MS. PLOMIN: Your Honor, I would ask to approach.

24 THE COURT: Just tell me.

25 MS. PLOMIN: Your Honor, we received some exhibits

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1 last night, late last night --

2 THE COURT: The exhibits that he just testified  
3 about?

4 MS. PLOMIN: Yes.

5 THE COURT: And so you haven't had a chance to review  
6 them for purposes of cross-examination?

7 MS. PLOMIN: Yes.

8 THE COURT: And so you wish to defer it till another  
9 day which is probably next Tuesday?

10 MS. PLOMIN: Yes.

11 THE COURT: All right. We will do that.

12 Agent Meshinsky, thank you, sir. You may step down  
13 and we'll see you next week.

14 MS. BROOK: Government calls Special Agent Stewart  
15 Whitson.

16 (End of excerpt of proceedings.)

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## C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 29th day of April, 2016.

s/Elizabeth A. Lemke  
ELIZABETH A. LEMKE, RDR, CRR, CPE